

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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7 LARRY SANDERS, et al.,)
8 Plaintiffs,) 2:13-cv-00652-JCM-CWH
9 vs.)
10 ESURANCE INSURANCE)
11 SERVICES, INC., et al.,)
12 Defendants.) **REPORT AND RECOMMENDATION**

13 On April 29, 2013, the Court entered an order denying Plaintiffs' motion to proceed *in*
14 *forma pauperis* for failure to submit a complete application. *See* Order (#3). The motion was
15 denied without prejudice and Plaintiffs instructed to file a completed application by May 24,
16 2013. *Id.* Thereafter, Plaintiffs filed a number of exhibits (#4) and a renewed motion to proceed
17 *in forma pauperis*. *See* Pls' Mot. (#5). In the renewed motion (#5), indicated their belief that
18 they are not required to submit an *in forma pauperis* application because they are not
19 incarcerated. The Court, again, denied the motion without prejudice and gave Plaintiffs
20 additional time, until May 31, 2013, to file a completed application to proceed *in forma pauperis*.
21 *See* Order (#6). In both prior order (#3) and prior order (#6), Plaintiffs were warned that failure
22 to comply with the Court's instruction may result in a recommendation that this action be
23 dismissed. Plaintiffs have not complied with the Court's orders or instruction.

24 ||| Based on the foregoing and good cause appearing therefore,

RECOMMENDATION

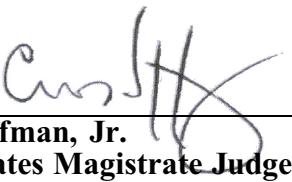
26 **IT IS HEREBY RECOMMENDED** that this matter be dismissed without prejudice
27 and the case closed.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must

1 be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court
2 has held that the courts of appeal may determine that an appeal has been waived due to the failure
3 to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This
4 circuit has also held that (1) failure to file objections within the specified time and (2) failure to
5 properly address and brief the objectionable issues waives the right to appeal the District Court's
6 order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d
7 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir.
8 1983).

9 DATED: June 27, 2013.

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13 **C. W. Hoffman, Jr.**
14 **United States Magistrate Judge**

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